IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA ex rel.
CORI RIGSBY and KERRI RIGSBY — RELATORS/COUNTER-DEFENDANTS

v. — CASE NO. 1:06cv433-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY — DEFENDANT/COUNTER-PLAINTIFF

and

HAAG ENGINEERING CO.; and ALEXIS KING — DEFENDANTS

STATE FARM FIRE AND CASUALTY COMPANY'S
MOTION TO DISMISS DUE TO THE RIGSBYS' REPEATED AND
CALCULATED VIOLATIONS OF THIS COURT'S SEAL ORDER

Defendant/Counter-Plaintiff State Farm Fire and Casualty Company ("State Farm") respectfully submits this Motion to Dismiss Due to the Rigsbys' Repeated and Calculated Violations of this Court's Seal Order. State Farm would show:

1. The claims of Relators Cori and Kerri Rigsby ("the Rigsbys")[1] should be dismissed due to their repeated and calculated violations of the False Claims Act's ("FCA") mandatory seal requirement and this Court's Seal Order [1]. It is undisputed that there were multiple and intentional public disclosures of both the existence and content of this *qui tam* lawsuit while it was under seal.

2. Specifically, the FCA provides that the complaint "*shall* be filed in camera, *shall* remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders." 31 U.S.C. § 3730(b)(2) (emphasis added).

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[1] State Farm seeks dismissal with prejudice as to the Rigsbys and without prejudice as to the United States.

3. As set forth in greater detail in State Farm's accompanying Memorandum of Authorities, the Rigsbys repeatedly disclosed not only the existence of this FCA Action, but also the actual pleadings themselves to the national news media and to at least one Member of Congress in violation of 31 U.S.C. § 3730(b)(2). More importantly, these disclosures constituted a willful violation of the Seal Order entered by this Court on April 26, 2006. [1]. This was not mere inadvertence or sloppiness, but a carefully calculated media campaign designed to thwart this Court's Seal Order and to promote the credibility of the Rigsbys while at the same time demonizing State Farm.

4. State Farm previously raised the seal violation issue as a part of its April 8, 2008 Motion to Dismiss [98 & 99]. The Court did not decide this issue in its August 10, 2009 Order [343] and, since that time, State Farm has taken discovery from SLF, Inc., the successor to The Scruggs Law Firm, P.A. as well as from The Rendon Group, a Washington, D.C., public relations firm hired to promote the Rigsbys' story. This discovery has not only revealed numerous additional violations of the Court's Seal Order, but also established that the violations were an egregious abuse of the justice system demonstrating a complete disregard for this Court's directives.

5. For these reasons, dismissal of this case is the appropriate sanction for the Rigsbys' repeated, calculated, and intentional violations of this Court's Seal Order.

6. State Farm incorporates its accompanying Memorandum of Authorities, as well as Exhibits A-TT attached hereto.

WHEREFORE, because the Rigsbys repeatedly violated 31 U.S.C. § 3730(b)(2) as well as the April 26, 2006 Seal Order of this Court [1], this case should be dismissed with prejudice as to the Rigsbys.

This the 16th day of August, 2010.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

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CERTIFICATE OF SERVICE

I, Benjamin M. Watson, one of the attorneys for State Farm Fire and Casualty Company, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following via the means directed by the Court's CM/ECF System:

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